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7 Attorneys for Defendant  
UNITED PARCEL SERVICE, INC.

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10 EASTERN DIVISION  
11

12 JULIO C. DIAZ, individually and on  
13 behalf of others similarly situated,

14 Plaintiff,

15 vs.

16 UNITED PARCEL SERVICE, INC.,  
17 Defendant.

CASE NO. EDCV 09-02279 VBF  
(DTBx)

**DECLARATION OF JEFFREY P.  
MICHALOWSKI CERTIFYING  
PROVISION OF CAFA NOTICE**

1           1.     I, Jeffrey P. Michalowski, declare:

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3           2.     I am admitted to the Bar of this Court, an Associate at Paul,  
4 Hastings, Janofsky & Walker LLP (“Paul Hastings”), and one of the attorneys  
5 representing defendant United Parcel Service, Inc. (“UPS”) in this action. I make  
6 this declaration to show that UPS complied with the notice provisions of the Class  
7 Action Fairness Act of 2005, 28 U.S.C. § 1715 (“CAFA”). I have personal  
8 knowledge of the facts set forth in this declaration and could and would competently  
9 testify to them under oath if called as a witness.

10  
11           3.     On September 10, 2010, not later than ten days after the  
12 proposed settlement was filed with this Court, Paul Hastings’s staff acting under my  
13 direction mailed to the appropriate federal and state officials notice of the proposed  
14 settlement in this action pursuant to 28 U.S.C. section 1715 (the “CAFA Notice”).

15  
16           4.     The CAFA Notice consists of a cover letter addressed to the  
17 appropriate federal or state official and five additional documents.

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19           5.     The five documents provided with the Notice of Proposed  
20 Settlement consist of:

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22                   (a)     Plaintiff’s complaint (pursuant to CAFA, 28 U.S.C.  
23 § 1715(b)(1)). Attached to this declaration as Exhibit A is a true and correct copy of  
24 Plaintiff’s Complaint.

25  
26                   (b)     Plaintiff’s first amended complaint (pursuant to CAFA, 28  
27 U.S.C. § 1715(b)(1)). (This document is on file with the Court as part of Docket  
28 No. 20).

1 (c) The parties' Notice of Proposed Class Action Settlement  
2 and Final Approval Hearing (pursuant to CAFA, 28 U.S.C. § 1715(b)(3)(A)) (This  
3 document is on file with the Court as part of Docket No. 24).

4  
5 (d) The parties' Election Not to Participate in Settlement form  
6 (pursuant to CAFA, 28 U.S.C. § 1715(b)(3)(A)) (This document is on file with the  
7 Court as part of Docket No. 24).

8  
9 (e) The parties' Settlement Agreement (pursuant to CAFA, 28  
10 U.S.C. § 1715(b)(4), (5) (This document is on file with the Court as part of Docket  
11 No. 24).

12  
13 6. The addressed cover letter lists the contents of the CAFA Notice  
14 and is addressed to the appropriate federal or state official. Pursuant to CAFA, 28  
15 U.S.C. section 1715(a), which defines the appropriate federal and state officials, the  
16 cover letter was addressed to and the CAFA Notice was mailed to the Attorney  
17 General of the United States and the Attorneys General of the 43 States in which  
18 class members reside. Attached to this declaration as Exhibit B as an exemplar is a  
19 true and correct copy of the cover letter addressed and mailed to the Attorney  
20 General of the State of Alabama.

21  
22 7. The addressed cover letter further provides notice of the time and  
23 location of the Hearing on Plaintiffs' Motion for Preliminary Approval of Class  
24 Action Settlement (per 28 U.S.C. § 1715(b)(2)) and a reasonable estimate of the  
25 number of class members residing in each State and the estimated proportionate  
26 share of the claims of such members to the entire settlement (per 28 U.S.C.  
27 § 1715(b)(7)).  
28

1           8.     The addressed cover letter was provided to each Attorney  
2 General in paper; the remaining items were provided in portable document format  
3 (PDF) on CD.  
4

5           9.     On March 10, 2010, Paul Hastings's staff acting under my  
6 direction mailed to the appropriate federal and state officials a supplemental notice  
7 (the "Supplemental CAFA Notice").  
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9           10.    The Supplemental CAFA Notice consists of a cover letter  
10 addressed to the appropriate federal or state official and two additional documents:  
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12               (a)   This Court's Ruling On Motion For Preliminary Approval  
13 Of Class Action (September 27, 2010). (This document is on file with the Court as  
14 Docket No. 27).  
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16               (b)   This Court's Order Conditionally Certifying Settlement  
17 Class; Preliminarily Approving Proposed Settlement; Approving Notice To Class  
18 And Forms Of Class Member Settlement Information Sheet And Election Not To  
19 Participate In Settlement; And Setting Hearing For Final Approval Of Settlement  
20 (September 27, 2010). (This document is on file with the Court as Docket No. 28).  
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